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Letter dated 17 April 1998 from the Chargé d'affaires a.i.
of the Permanent Mission of the Federal Republic of Yugoslavia
to the United Nations Office at Geneva addressed to the
Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith, the "Comments of the Government of the Federal Republic of Yugoslavia on the Draft Resolution on the Situation on Human Rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (E/CN.4/1998/L.86)", and to ask you to have it published as an official document of the fifty-fourth session of the Commission on Human Rights, under agenda item 20.

(Signed): Mr. Miroslav Milošević
Chargé d'affaires a.i.

COMMENTS OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE DRAFT RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, THE REPUBLIC OF CROATIA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA (E/CN.4/1998/L.86)

A. Federal Republic of Yugoslavia

1. The section of the draft resolution concerning the Federal Republic of Yugoslavia does not reflect the objective situation in the field nor the analysis, assessments and conclusions contained in the report of Ms. Elizabeth Rehn. Such an approach, based on arbitrary, biased positions and inaccurate conclusions is not acceptable, nor does it serve for the protection and promotion of human rights, reflecting instead partial political interests.

2. The said positions are a sheer repetition of the double standards policies, pursued for some years by a segment of the international community in dealing with the problems of human rights in the territory of the former Yugoslavia. Contrary to the existing international norms, human rights are abused with a view to exercise political pressure against the Federal Republic of Yugoslavia.

3. Notwithstanding our repeated pinpointing to some deliberate terminological errors contained in the previous resolutions, these are not omitted yet, out of specific political reasons. Hence, on this occasion again, we wish to underscore that the official name of the Federal Republic of Yugoslavia is not followed by any brackets containing the names of its two constituent republics. Indeed, its name is used accurately by the United Nations, the United Nations Secretary-General and other bodies ever since the proclamation of the Federal Republic of Yugoslavia, on 27 April 1992, and the United Nations Commission on Human Rights is bound to observe it.

4. The name of the one of the two provinces of the Federal Republic of Yugoslavia is Kosovo and Metohija, which fact is systematically ignored out of particular political reasons, and our southern province is given an alien, Albanian name.

5. Also, one of the parts of the Federal Republic of Yugoslavia is referred to as "Sandzak", although this word is of Turkish origin, denoting a territorial unit in the Ottoman Empire, its correct official name being the "Raska region".

6. With regards to actual facts and the situation, the assessments and views contained in the following paragraphs are unacceptable, since inaccurate:

7. **Paragraph 9**: Evaluating the relations and cooperation between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe is inadequate, beyond the mandate of the Commission;

8. **Paragraph 20**: The Federal Republic of Yugoslavia has not refused, but delayed the visit of the Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions, since the investigation proceedings relating to certain charges is being under way. At the same time, setting up an international commission of forensic experts is being in the pipeline;

9. **Paragraph 21 (b)**: Unacceptable, since the Federal Republic of Yugoslavia is cooperating with the Tribunal as envisaged under the Peace Agreement (a Tribunal Office has been open in Belgrade, regular exchange of information and consultations are being conducted, etc.);

10. **Paragraph 21 (c)**: The demand that the Federal Republic of Yugoslavia "strengthen and implement fully democratic norms" is inadequate, since the principles of parliamentary democracy are guaranteed under its Constitution and laws, with free and fair elections held at all levels, as documented by competent international bodies, such as the Organization for Security and Cooperation in Europe;

11. **Paragraph 21 (d)**: The freedom of media in the Federal Republic of Yugoslavia is guaranteed under its Constitution and relevant legislation, which provide ample possibilities for operation of a large number of print and broadcast media of the many political parties, and of various citizens' associations. If efforts were exerted to "restrict press and broadcast journalism", as claimed in the said paragraph, their numbers would have probably gone down while practice proves the contrary - a permanent increase in their number. Over 2,500 various newspapers and reviews are published in the Federal Republic of Yugoslavia at present; the number of radio stations exceeds the figure of 400, and those of TV stations, 120, most of these privately-owned;

12. **paragraph 21 (e)**: This paragraph contains an inaccurate reference to the reports by the Special Rapporteur for documenting the exertion of torture. The said reports, however, refer to some information on alleged individual cases of the authorities' resorting to torture and abuse, which cases are being mutually examined and verified in practice with the Yugoslav authorities. In this connection, may we point to the fact that the Federal Republic of Yugoslavia is among the State Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which have recognized the competence of the Committee for considering individual complaints. The fact that, to this date, no such complaints have been lodged is telling proof that the accusations on alleged torture cases in Kosovo and Metohija are used exclusively for political pressure to bear on the Federal Republic of Yugoslavia;

13. **Paragraph 21 (g)**: Inadmissible, since broad civil and minority rights are guaranteed to all the 25 minorities under the Constitution and relevant legislation of the Federal Republic of Yugoslavia. All the minorities, with the exception of the Albanian minority, fully exercise the said rights and participate in the socio-political life of the country;

14. **Paragraphs 22-25**: Relating to Kosovo and Metohija, are unacceptable since they contain a politicized approach, inaccurate assessments and conclusions, all aimed at exerting political pressure. Kosovo and Metohija is a Serbian province, in the past as well as nowadays, an integral part of the Republic of Serbia. This territory has never belonged to any other State

15. Apart from the Serbs, Montenegrins and ethnic Albanians, members of other minorities and ethnic communities, such as the Muslims (over 150,000), Roma (150,000), Turks, Croats and others, have lived in Kosovo and Metohija for centuries. Under the Constitution and relevant legislation, they all share equal, guaranteed civil and human rights - to their mother-tongue, culture, media, religion, the right to vote and to be elected, participation in the political processes from the local level up to the Republic and Federal Parliament. All these rights are granted in compliance with the highest European standards, including those of the Organization for Security and Cooperation in Europe and of the framework Convention of the Council of Europe.

16. The ethnic Albanians are granted the same rights as those granted to other citizens. But, whereas all other citizens exercise their rights, the members of the Albanian minority - a large segment thereof - under the pressure and harassment by their separatist representatives, boycott some of these rights, while exercising some others. For instance, although boycotting general and local elections, the official census and political institutions, they are very active in exercising the right to private property, to pension and other social benefits, passport, freedom of movement and private enterprise. Exercising the right to information, for example, is attested by the fact that over 50 private dailies, weeklies or periodicals are printed in the Albanian language, their aggregate circulation amounting to over 2.5 million copies.

17. Attacks on public institutions - killing police members on the occasion of the terrorist ambush of 28 February 1998, when four policemen were shot dead - are designed to intimidate ethnic Albanians and make them comply to the boycott, to enhance tensions, to divert the attention of the international public and to "substantiate" the requests for mediation and to put the question of Kosmet on the international agenda. Their ultimate objective is the secession of this Serbian land from Serbia. Simply, Serbia cannot, and will not allow it to happen under any conditions.

18. The fundamental problem in Kosovo and Metohija is separatism which is still publicly advocated by the members of some Albanian minority political parties. Against this background, terrorism has developed which has claimed dozens of lives so far. Every State is entitled to defend itself against this scourge, to protect its territorial integrity, the public order and peace, the security of its citizens. This right is not denied anywhere in the world, nor can it be denied to Serbia and to the Federal Republic of Yugoslavia.

19. The Government of the Republic of Serbia has extended several open and direct invitations to the representatives of the Albanian minority political parties to join in an unconditional, direct and genuine political dialogue. The representatives of all other minorities who have been inhabiting Kosovo and Metohija for centuries - Muslims, Roma, Turks, Croats and others - have requested to participate in the dialogue, since the issues raised relate to their rights as well.

20. Only the leaders of some ethnic Albanian political parties have not yet responded to the invitation of the Government of Serbia. Instead, they are turning a deaf ear to the international community's appeal to publicly condemn terrorism and to give up any idea of independence.

21. The accord reached on the implementation of the Education Agreement is a major positive achievement. The Institute of Albanology in Pristina has been officially opened by the representatives of the Government of the Republic of Serbia and made available for its users. This is the only institution of the kind of the Albanian minority in south-east Europe and unique in Europe in the context of the exercise of minority rights by whichever national minority.

22. Serbia and the Federal Republic of Yugoslavia have nothing to hide in Kosmet. Foreign diplomatic and other representatives, hundreds of foreign journalists and parliamentarians visit and travel up and down the Federal Republic of Yugoslavia and Serbia. Unperturbed in their activities in Kosmet are also the International Committee of the Red Cross and other international humanitarian organizations, as well as government and non-governmental organizations. Within his programme, Mr. J. Dienstbier is on a visit to Kosovo and Metohija this very day.

23. **Paragraph 24 (b)**: Unacceptable and in contravention of the mandate of the Commission. There is no precedent of the Commission's prescribing a sovereign state what internal security measures to implement and vice-versa;

24. **Paragraph 24 (c)**: We are reiterating that there are no political detainees in the Federal Republic of Yugoslavia; this allegation is not documented by any thematic special rapporteurs, working groups or by Mrs. Rehn. The Federal Republic of Yugoslavia has signed bilateral agreements with host countries on the repatriation of the so-called asylum-seekers from Kosovo and Metohija;

25. **Paragraph 26**: The contents of this paragraph is unacceptable, since it conditions the reintegration of the Federal Republic of Yugoslavia into the international community with the demand for promotion of human rights and with cooperation with the Tribunal. Such an approach implies discrimination vis-à-vis the Federal Republic of Yugoslavia, unprecedented in the United Nations bodies, it is in contravention of article 1 of the Convention of the Committee on the Elimination of All Forms of Racial Discrimination, since the said conditions are not imposed upon other States to which this resolution relates. In particular, we wish to emphasize that such requirements and flagrant discrimination have not been imposed upon any United Nations Member, incongruent with the mandate of the Commission;

26. **Paragraph 27**: The said paragraph obviously serves for encouraging artificial divisions within the Yugoslav Federation, i.e. within a sovereign State; again, it is unprecedented and incompatible with the mandate of the Commission;

27. **Paragraph 28 (a)**: Inaccurate, since the situation of the refugees currently residing in the Federal Republic of Yugoslavia is not even taken into account. If the Commission truly intended to help the refugees, it should have suggested adequate measures for the return of the 700,000 Serbs now residing in the Federal Republic of Yugoslavia into Croatia and Bosnia and Herzegovina;

28. **Paragraph 28 (b)**: This paragraph offers deliberately an entirely inaccurate picture of the internal political situation in the country and of the developments of its democratic processes. The very fact that upon the latest parliamentary election not a single party won majority, is proof of the existence of a considerable level of democratic and parliamentary liberties;

29. **Paragraph 32**: The inclusion of Kosovo and Metohija within the jurisdiction of the Tribunal constitutes an improper and unfounded interference in the internal affairs of the Federal Republic of Yugoslavia, and is in flagrant violation of the Tribunal's Statute and the Commission's mandate;

30. **Paragraph 34**: Unacceptable and inaccurate, since the said individuals from the Republic of Srpska do not reside in the territory of the Federal Republic of Yugoslavia.

B. Croatia

31. Regrettably, we have to note that the evaluations and demands made by the Commission concerning respect for human rights in Croatia are, by and large, a simple copy of the last year resolution. Accordingly, the Commission is completely ignoring the fact that the situation in Croatia, in particular the position of Serbs, has further deteriorated in the past year, as noted by many international bodies, such as the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, Organization for Security and Cooperation in Europe, the Council of Europe, etc.

32. It is illogical for the Commission to ignore that the genocide and ethnic cleansing of Serbs in Croatia go unheeded. Let it be known that, upon the termination of the mandate of the United Nations Transitional Administration for Eastern Slavonia, over 60,000 Serbs have been forced to depart from Eastern Slavonia, since exposed to pressure and harassment.

33. Concurrently, the Croatian authorities are blocking the return of expelled Serbs to Croatia, thus reducing their share in the total population from 13 per cent to below 3 per cent. Hence, the centuries-old dream of extremist Croatian nationalists of an ethnically pure Croatia has come true.

34. In view of the above, the Commission should condemn most severely Croatia's failing to meet its obligations under the Peace Agreement, the Erdut Agreement, and the Agreement on normalization of relations with the Federal Republic of Yugoslavia, as well as other international instruments to which it is a party. Besides, in compliance with its mandate, the Commission is bound to propose concrete measures to the international community in order to force Croatia to honour its internationally taken obligations.